

EXHIBIT 2

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Yvonne Gonzalez Rogers, Judge

PATRICK CALHOUN, ET AL.,)	
)	
Plaintiffs,)	
)	
VS.)	NO. CV 20-05146-YGR
)	
GOOGLE LLC,)	
)	
Defendant.)	
)	

Oakland, California
Friday, August 26, 2022

TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

For Plaintiffs:

BY: BLEICHMAR FONTI & AULD LLP
555 12th Street, Suite 1600
Oakland, CA 94607
LESLEY WEAVER, ESQUIRE
ANGELICA MARIA ORNELAS, ESQUIRE

BY: DICEULLO LEVITT GUTZLER LLC
One Grand Central Place
60 East 42nd St., Suite 2400
New York, NY 10165
DAVID A. STRAITE, ESQUIRE
CORBAN S. RHODES, ESQUIRE

BY: DICEULLO LEVITT GUTZLER
Ten North Dearborn Street
Chicago, IL 60602
ADAM PROM, ESQUIRE

Reported By: Pamela Batalo-Hebel, CSR No. 3593, RMR, FCRR
Official Reporter

APPEARANCES CONTINUED:

SIMMONS HANLY CONROY
231 S. Bemiston Avenue, Suite 525
St. Louis, MO 63105
BY: JAY BARNES, ESQUIRE

SIMMONS HANLY CONROY
112 Madison Avenue, 7th Floor
New York, NY 10016
BY: AN V. TRUONG, ESQUIRE

SIMMONS HANLY CONROY
One Court Street
Alton, IL 62002
BY: JENNIFER M. PAULSON, ESQUIRE

For Defendant:

QUINN EMANUEL URQUHART SULLIVAN LLP
191 N. Upper Wacker Drive, Suite 2700
Chicago, IL 60606
BY: ANDREW H. SCHAPIRO, ESQUIRE
JOSEPH H. MARGOLIES, ESQUIRE

QUINN EMANUEL URQUHART SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
BY: VIOLA TREBICKA, ESQUIRE
STEPHEN BROOME, ESQUIRE
ALYSSA G. OLSON, ESQUIRE

QUINN EMANUEL URQUHART SULLIVAN, LLP
1300 I Street NW, Suite 900
Washington, DC 20005
BY: XI GAO, ESQUIRE

1 back. I'm going to consider everything again based upon your
2 arguments. If I want briefing or if I want additional
3 argument, I promise you I will let you know. Okay.

4 Yes?

5 **MR. BROOME:** Your Honor, may I respond to the *Opperman*
6 point that Mr. Barnes raised?

7 **THE COURT:** No.

8 Okay. Is there anything else -- the motions are deemed
9 submitted.

10 Is there anything else that I need to talk to you all
11 about while you're here?

12 **MR. SCHAPIRO:** Your Honor, we were wondering -- I
13 don't know if Your Honor knows yet -- whether you anticipate
14 that the arguments on the class certification motions in Brown
15 are going to stay on the schedule for September 20th because it
16 affects a few other things we're doing. We're assuming it is,
17 and we are going full speed ahead.

18 **THE COURT:** Well, I've got three trials in September.
19 Do you want to push it over?

20 **MR. SCHAPIRO:** Yeah. I think we would be perfectly
21 content with that, Your Honor.

22 **THE COURT:** Isn't this -- okay.

23 **MR. BARNES:** We can't speak on behalf of Brown.
24 Mr. Mao is here from Brown.

25 **THE COURT:** All right. Mr. Mao, come on up.

1 **MR. MAO:** Sorry, Your Honor.

2 **THE COURT:** No apologies.

3 **MR. MAO:** This is Mark Mao, Boies Schiller Flexner,
4 for the Brown plaintiffs in a separate case.

5 I know, Your Honor, that there was no mention that they
6 were going to be trying to seek a continuance today. In fact,
7 we actually have a stipulation in principle with the other side
8 saying that they would not be seeking such a continuance. We
9 have emails on that, Your Honor.

10 **THE COURT:** Well, this is really a question about me,
11 not about you.

12 **MR. MAO:** I appreciate that, Your Honor.

13 **MR. BROOME:** I think really it is a question for you,
14 Your Honor. And Mr. Mao is correct. We had asked for an
15 extension on another *Daubert* motion that they had filed which
16 is noticed for the 27th. We would assume it would make sense
17 to hear that together, but we did agree that we would not seek
18 a continuance.

19 **THE COURT:** Okay. I always -- I always put things on
20 the same date, just because it makes no judicial sense to have
21 cases where -- I mean, if I'm going to work on one case, I'm
22 going to work on all the motions relative to that case.

23 So are you currently scheduled for argument on both the
24 20th and 27th?

25 **MR. BROOME:** That is correct.

1 **MR. MAO:** That is because we didn't think that the
2 *Daubert* and motions to strike were necessary to decide --

3 **THE COURT:** It doesn't matter. Did you not hear what
4 I just said? When I look at a case, I look at everything
5 relative to that case. That's efficient. Okay. And I have
6 three trials before then.

7 So everything is getting moved to the 27th, and whether it
8 stays on the 27th, it depends. I don't know. I'm not there
9 yet.

10 **MR. BROOME:** Understood.

11 **MR. SCHAPIRO:** Your Honor, with apologies, the 27th, I
12 believe, is the second day of Rosh HaShanah which my family
13 observes, so I wouldn't be able to travel or work on that day.
14 Others can handle it, I'm sure, but just flagging that -- any
15 day one or two after or before, but -- I'm sorry to bother
16 Your Honor with that.

17 **THE COURT:** I'm pulling up my calendar. When is Rosh
18 HaShanah?

19 **MR. SCHAPIRO:** The 26th and 27th are the two days on
20 which one is not supposed to work.

21 **THE COURT:** I can put you on for October 4th. Any
22 conflicts?

23 **MR. MAO:** I would have to grab my calendar,
24 Your Honor. Sorry.

25 **THE COURT:** You all go -- go and meet and confer and

1 make sure that that works.

2 **MR. BROOME:** I actually do have a conflict.

3 **THE COURT:** Go and meet and confer and tell me what
4 works.

5 **MR. BROOME:** Okay. And tell you what works.

6 Understood.

7 **THE COURT:** Well, after you said you have a conflict,
8 figure it out. I'm not apparently going to decide it right
9 now, but I do put everything on the same day.

10 **MR. MAO:** If I may ask, which may help this, are you
11 only willing to -- are you only able to do that on Fridays
12 because these are all Fridays.

13 **THE COURT:** No. Those are Tuesdays. My standard law
14 and motion calendar is Tuesday. The reason you're here on a
15 Friday is because I inherited this case. It's been on my
16 backlog, and I had to specially set it to get it in. Typically
17 I don't do this on Fridays.

18 **MR. MAO:** Okay.

19 **THE COURT:** We will find a day. Don't worry. But it
20 will all be together. It will not be separate.

21 **MR. BROOME:** Thank you, Your Honor.

22 **THE COURT:** Anything else? No? All right. Then
23 everybody stay safe.

24 **MR. BROOME:** Nothing from us.

25 **THE COURT:** We'll stand in recess.

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3 CERTIFICATE OF REPORTER

4 I certify that the foregoing is a correct transcript
5 from the record of proceedings in the above-entitled matter.

6
7 DATE: Monday, August 29, 2022

8
9 *Pamela Batalo Hebel*

10 Pamela Batalo Hebel, CSR No. 3593, RMR, FCRR
U.S. Court Reporter

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